

2852
Atty Docket: NIELSEN3B

In re Application of:
Soren NIELSEN
Serial No.: 09/847,717
IA Filing Date: May 2, 2001
For: METHODS FOR TREATMENT OF DISEASES...

Application Division
ATTN: BOX MISSING PARTS
Washington, D.C. 20538
Confirmation No. 3818
October 29, 2001

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS

Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION" dated August 29, 2001.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date and priority information.
- [] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.
- [] Applicant claims small entity status. See 37 CFR 1.27.
- [XX] An Assertion of Foreign Priority.
- [XX] A Communication.
- [XX] An Abstract of the technical disclosure as required under 37 CFR 1.72(b).
- [XX] Preliminary Amendment.
- [] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. 1.821-1.825.
- [] Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
- [XX] A certified copy of Danish priority document no. PA 2000 01757, filed November 22, 2000, is also attached. Priority is claimed.
- [XX] A certified copy of Danish priority document no. PA 2000 01204, filed August 11, 2000, is also attached. Priority is claimed.
- [XX] A certified copy of Danish priority document no. PA 2001 00369, filed March 6, 2001, is also attached. Priority is claimed.
- [] An Information Disclosure Statement with 08A-1449 and references is also attached.
- [XX] Substitute Formal Drawings.
- [] Change of Address

The following fee is calculated below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE				\$ 370.00	OR		\$740.00
TOTAL CLAIMS	14 20		X 9 =	\$		X 18 =	\$
INDEP. CLAIMS	4- 3	1	X 42 =	\$		X 84 =	\$ 84.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135 =	\$		+ 270 =	\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2			TOTAL	\$		TOTAL	\$824.00

- [XX] Surcharge for late filing of English translation \$ 130.00
- [] Late filing of Declaration surcharge in the amount of:
- Small Entity [] \$65.00 Other than Small Entity [XX] \$130.00
- [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- | Small Entity | Other Than Small Entity |
|-----------------------------|-----------------------------|
| Response Filed Within | Response Filed Within |
| [] First - \$ 55.00 | [] First - \$ 110.00 |
| [] Second - \$ 200.00 | [] Second - \$ 440.00 |
| [] Third - \$ 460.00 | [] Third - \$ 920.00 |
| [] Fourth - \$ 720.00 | [] Fourth - \$1,440.00 |
| Month After Time Period Set | Month After Time Period Set |
- [XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [] Check No. _____ in the amount of \$ _____ is enclosed to cover the above fees.
- [XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$954.00 is enclosed to cover the fees.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 

Iver P. Cooper
Registration No. 28,005

IPC:sfg

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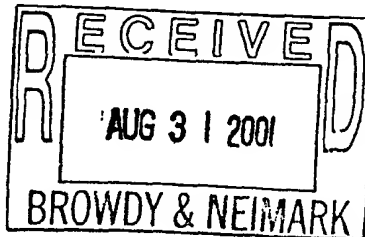
Page 1 of 2
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/845,717	05/02/2001	Soren Nielsen	NIELSEN3B

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

CONFIRMATION NO. 3818

FORMALITIES LETTER



OC000000008494331

Date Mailed: 08/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

DOCKETED

MSG=290C2001

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$350.
 - \$80 for 1 independent claims over 3 .
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1190.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

10/30/2001 JBALINAN 00000066 09845717

01 FC:101	740.00 OP
02 FC:102	84.00 OP
03 FC:105	130.00 OP

A copy of this notice **MUST** be returned with the reply.

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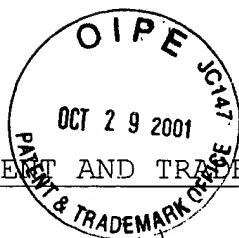
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Soren NIELSEN et al

Art Unit:

U.S. App. No.: 09/845,717

Washington, D.C.

National Filing Date: May 2, 2001)

October 29, 2001

For: METHODS OF TREATMENT OF...

Docket No.: NIELSEN3B

COMMUNICATION

An assertion of foreign priority and an assertion of small entity status (copy enclosed) was filed in this case on May 9, 2001. It stated the correct Docket number and first inventor. It did not state a serial number (none was then available). We have just noticed that the title set forth in the heading is incorrect (it corresponds to that of the "parent" provisional, 60/201,264). We are filing this communication to ensure that the Assertion is matched to this case.

Regards,
BROWDY & NEIMARK, PLLC

By: 

Iver P. Cooper
Registration No. 28,005

IPC:sfg

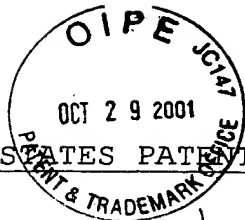
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Fax NO.: (202) 737-3528

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Soren NIELSEN et al

Appln. No.: Not yet assigned

Entered: May 2, 2001

For: TREATMENT OF ALPHA-MSH OR
EPOETIN SEPARATELY ...

Art Unit:

Examiner:

Washington, D.C.

May 9, 2001

Docket No.: NIELSEN3B

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ASSERTION OF FOREIGN PRIORITY

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants hereby assert priority under 35USC§119,
from the following prior foreign applications:

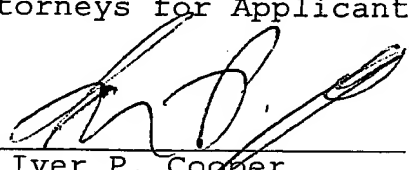
Denmark PA 2000 01204 11 August 2000
Denmark PA 2000 01757 22 November 2000
Denmark PA 2001 00369 6 March 2001

Certified copies will be filed in due course.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Iver P. Cooper
Registration No. 28,005

IPC:gsk

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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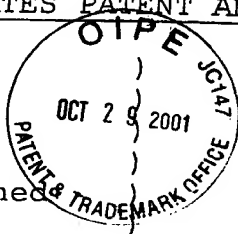
In re Application of:

Soren NIELSEN et al

Appln. No.: Not yet assigned

Entered: May 2, 2001

For: TREATMENT OF ALPHA-MSH OR
EPOETIN SEPARATELY ...



Art Unit:

Examiner:

Washington, D.C.

May 9, 2001

Docket No.: NIELSEN3B

ASSERTION OF SMALL ENTITY STATUS

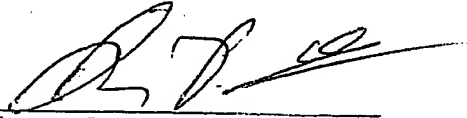
Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Small entity status is hereby asserted.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By 

Iver P. Cooper
Registration No. 28,005

IPC:gsk
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528